

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE IMMUCOR, INC. SECURITIES
LITIGATION

Civil Action No.
1:09-CV-2351-TWT

**DEFENDANTS' MOTION TO DISMISS THE
CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Defendants Immucor, Inc., Gioacchino De Chirico, Ralph A. Eatz, Joseph E. Rosen, Richard A. Flynt, Patrick D. Waddy, Edward L. Gallup, Roswell S. Bowers, John A. Harris, and Didier L. Lanson hereby move the Court to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6) because Lead Plaintiff, the Colleges of Applied Arts and Technology Pension Plan, fails to state a claim upon which relief can be granted. In support of their motion, defendants rely on their Memorandum in Support of Defendants' Motion to Dismiss, filed contemporaneously herewith. Also filed contemporaneously herewith and attached hereto is an appendix containing the documents cited in defendants' memorandum.

All claims against Mssrs. Rosen, Flynt, Waddy, Bowers, Harris and Lanson should be dismissed because plaintiff has made no allegations related to these defendants in its Consolidated Amended Class Action Complaint ("Amended

Complaint”), and plaintiff’s counsel confirms that they do not intend to pursue any claims against these individuals.

Plaintiff’s claim under Section 10(b) of the Securities Exchange Act of 1934 (“1934 Act”) and Rule 10b-5(b) (Count I) should be dismissed because the Amended Complaint (1) does not allege with particularity that defendants made an actionable untrue statement of material fact or omitted to state a material fact; (2) does not allege facts that give rise to a strong inference of scienter; and (3) does not adequately allege actual economic loss or loss causation.

Plaintiff’s claim under Section 20(a) of the 1934 Act (Count II) should be dismissed because it cannot be maintained in light of the deficiencies in plaintiff’s Section 10(b) claim and, with respect to some of the allegations, because plaintiff does not sufficiently allege that the individual defendants were control persons.

WHEREFORE, Defendants request that the Court enter an order dismissing the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted and enter final judgment in favor of defendants.

This 25th day of June, 2010.

/s/ Patricia A. Gorham

John H. Fleming (Ga. Bar No. 263250)
Patricia A. Gorham (Ga. Bar No. 302669)
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, Georgia 30309-3996
Tel. 404.853.8000
Fax 404.853.8806
john.fleming@sutherland.com
patricia.gorham@sutherland.com

*Attorneys for Defendants Immucor, Inc.,
Gioacchino De Chirico, Ralph A. Eatz, Joseph E.
Rosen, Richard A. Flynt, and Patrick D. Waddy*

Jeffrey O. Bramlett (Ga. Bar No. 075780)
Tiana S. Mykkeltvedt (Ga. Bar No. 533512)
John H. Rains, IV (GA Bar No. 556052)
BONDURANT, MIXON & ELMORE LLP
1201 West Peachtree Street, NW
Suite 3900
Atlanta, GA 30309
Tel. 404.881.4100
Fax. 404.881.4111
bramlett@bmelaw.com
mykkeltvedt@bmelaw.com
rains@bmelaw.com

*Attorneys for Defendants Edward L. Gallup,
Roswell S. Bowers, John A. Harris, and
Didier L. Lanson*

CERTIFICATE OF SERVICE

I, Patricia A. Gorham, hereby certify that I electronically filed the Defendants' Motion to Dismiss the Consolidated Amended Class Action Complaint with the Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

This 25th day of June, 2010.

/s/ Patricia A. Gorham

Patricia A. Gorham